

**FILED**

**NOT FOR PUBLICATION**

**FEB 17 2006**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

HENRY EKEH,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 04-56668

D.C. No. CV-03-08800-DT

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Dickran M. Tevrizian, District Judge, Presiding

Submitted February 13, 2006<sup>\*\*</sup>

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Henry Ekeh appeals *pro se* from the district court's order denying his motion pursuant to Federal Rule of Criminal Procedure 41 for return of property seized pursuant to the execution of a search warrant in a criminal investigation.

We have jurisdiction under 28 U.S.C. § 1291, and we affirm the district court.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Ekeh has not shown that the district court abused its discretion by granting the United States' ex parte application for additional time to file a response to his Rule 41 motion, by denying Ekeh's motion for summary judgment, or by failing to hold an evidentiary hearing. *See* Fed. R. Civ. P. 6(b)(2); *see also United States v. Koon*, 34 F.3d 1416, 1439 (9th Cir. 1994), *rev'd in part on other grounds*, 518 U.S. 81 (1996).

We also affirm the district court's denial of Ekeh's Rule 41 motion. *See United States v. Hickok*, 481 F.2d 377, 378 (9th Cir. 1973) (internal citations and quotations omitted).

**AFFIRMED**